

S/L 10
19.12.2022
Court. No. 19
GB

W.P.A. 27250 of 2022

Sk. Abdul Kader
VS
The State of West Bengal & Ors.

*Mr. Ramdulal Manna,
Mr. Somnath Mukherjee,
Mr. Jayanta Mukherjee,
Mr. Sayan Mukherjee.*

... for the Petitioner.

*Mr. Manoj Malhotra,
Mr. Suman Dey.*

... for the State.

*Mr. Santanu Chakraborty,
Ms. Kajal Chatterjee.*

... for the Respondent Nos.8 to 12.

Affidavit-of-service filed in Court today, be kept with the record.

The writ petition has been filed with two allegations. First, that the respondent nos.8 to 12 had illegally encroached over the petitioner's land and secondly, that the respondent nos.8 to 12 had started a construction without any valid permission from the permission granting authority.

With regard to the allegation of encroachment, the writ Court cannot pass any orders. The petitioner is at liberty to approach the civil court for proper reliefs.

With regard to the allegation that the respondent nos.8 to 12 were constructing without a plan, reference has been made to the information supplied by the Howrah Zilla Parishad. The Howrah Zilla Parishad answered the queries made under the Right to Information Act. It has been stated

that that no permission had been granted by the authority for construction of a structure.

However, the learned advocate for the respondent nos.8 to 12 have submitted a plan sanctioned by the Upa-Pradhan in additional charge of the Pradhan of the Makardah No.1 gram panchayat. It appears that a plan of G+1 storeyed building had been approved by the Makardah No.1 gram panchayat. The plan, however, does not bear the date of such sanction.

Thus, the writ petition is disposed of granting liberty to the petitioner to approach the Makardah No.1 gram panchayat by filing a representation in order to ascertain whether any plan had been sanctioned in favour of any of the respondents for construction on Dag No.914(P) of Mouza-Makardah, in accordance with law. Such representation shall be considered and disposed of within a period of one month from date of communication of this order, upon hearing the petitioner and the respondent Nos. 8 to 12. The said respondents shall be heard. A reasoned order shall be passed and communicated to all.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)